

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

CAROLYN CHRISTINE CHANDLER,

Plaintiff,

v.

**CIVIL ACTION NO. 3:14-CV-19
(JUDGE GROH)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge John S. Kaull [Doc. 14], filed on June 11, 2014, to which neither party filed objections. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the district court to review the recommendation under the standards that the district court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See Webb v. Califano, 468 F. Supp. 825 (E.D. Cal. 1979).

Pursuant to Magistrate Judge Kaull's report and recommendation, as well as 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 6(d), objections were due fourteen plus three days after entry of the report and recommendation, or by June 30, 2014. The report and recommendation specifically stated that objections were to be filed within fourteen days after being served with a copy. Accordingly, because no objections

have been filed, this Court will review the report and recommendation for clear error.

In this matter, Magistrate Judge Kaull found that substantial evidence did not support the findings of the administrative law judge (“ALJ”). Magistrate Judge Kaull concluded that the ALJ failed to sufficiently articulate the weight and the reasons supporting assigning such weight to the opinions of Mr. Morgan, Mr. McCullough, the state agency physicians, Dr. Franyutti and Dr. Lateef, and the state agency psychologists, Dr. Allen and Dr. Bartee. Therefore, Magistrate Judge Kaull held that the ALJ’s assessment of Plaintiff’s residual functional capacity assessment was not supported by substantial evidence. Having found that the ALJ failed to sufficiently articulate the weight and the reasons for such weight assigned to the aforementioned opinions, Magistrate Judge Kaull did not address Plaintiff’s contention regarding the ALJ’s credibility determination.

Upon review of the above, it is the opinion of this Court that the Report and Recommendation should be, and is, hereby **ORDERED ADOPTED**. For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the Defendant’s Motion for Summary Judgment be **DENIED** and the Plaintiff’s Motion for Summary Judgment be **GRANTED**, by reversing the Commissioner’s decision under sentence four of 42 U.S.C. §§ 405(g) and 1383(c)(3), with a remand of the cause to the Commissioner for further proceedings consistent and in accord with the Report and Recommendation. Accordingly, this Court further **ORDERS** that this matter be **DISMISSED WITH PREJUDICE** and that it be **STRICKEN FROM THE DOCKET OF THIS COURT**. The Clerk is **DIRECTED** to enter judgment in favor of the Plaintiff.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: July 1, 2014


GINA M. GROH
UNITED STATES DISTRICT JUDGE